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FACSIMILE TRANSMISSION COVER SHEET

DATE: April 26, 2011
TO: Examiner: Chin
RE: U.S. Patent Application: 10/561,542
FROM: James N. Baker
FAC.TEL. 1-571-273-1270
NUMBER OF PAGES (including this cover sheet) : 7

PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES BEING SENT

Dear Examiner Chin:

Enclosed please find a Proposed Response that I would like to discuss in the telephone interview scheduled for Monday May 16, 2011 at 2:00 PM. I will call you at that time

Thank you very much for scheduling the interview.

James N. Baker
Reg. No. 40,899

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re the Application of: **MORI, Toyokazu, et al.**

Group Art Unit: 3723

Serial No.: 10/561,542

Examiner: CHIN, Randall E.

Filed: December 19, 2005

P.T.O. Confirmation No.: 9383

For: **ELECTRIC TOOTHBRUSH****PROPOSED****RESPONSE UNDER 37 CFR §1.116**
- EXPEDITED RESPONSE -
GROUP ART UNIT 3723Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May __, 2011

Sir:

In response to the Final Office Action dated February 2, 2011, Applicants respectfully request reconsideration and removal of the 35 U.S.C. § 103(a) rejection of Claims 1 and 8 as unpatentable over Wiedemann et al. in view of Chan and the 35 U.S.C. § 103(a) rejection of Claim 7 as unpatentable over Wiedemann et al. in view of Blaustein et al.

A Listing of the Claims begins on page 2 of this paper.**Remarks/Arguments begin on page 3 of this paper.**

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Listing of Claims:

Claim 1 (Previously Presented): An electric toothbrush in which brushing is enabled by back-and-forth linear movement of a tufted portion in only a longitudinal direction of a replaceable brush, wherein the distance (mm) of movement of the tufted portion is set in the range of 0.5 - 3mm, the frequency (times) of back-and-forth motion of the tufted portion per minute is set in the range of 2000 - 11,000, and the product of the distance (mm) of movement of the tufted portion and the frequency (times) of back-and-forth motion per minute is set in the range of 5000 - 7000.

Claims 2 -6 (Canceled)

Claim 7 (Previously Presented): The electric toothbrush according to claim 1, wherein filaments in which tip portions of at least 30% or more of all tufted filaments are split into a plurality of portions are used.

Claim 8 (Previously Presented): The electric toothbrush according to claim 1, wherein a DC electric motor is used as means for moving said tufted portion.

Claims 9 -20 (Canceled)

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REMARKS

It is believed that this Amendment is fully responsive to the Office Action dated February 2, 2011.

In the Final Office Action, Claims 1 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wiedemann et al. (U.S. Patent No. 5,448,792) in view of Chan (U.S. Patent Publication No. 2008/0271271). Reconsideration and removal of this rejection are respectfully requested in view of the following remarks.

The Office Action relies on Wiedemann et al. for teaching the range of movement of the bristles (0.5-3mm in the longitudinal direction) and the frequency of the back and forth motion of the bristles in the longitudinal direction (2,000 - 11,000 per minute). The Office Action admits that Wiedemann et al. does not specifically disclose the longitudinal direction is the only direction in which the tufted portion moves. The Office Action cites Chan and alleges that Chan teaches that the tufted portion of a toothbrush may be made to move in a longitudinal direction only, as a matter of preference.

It is respectfully submitted that the tufted portion of the toothbrush of Wiedemann et al. does not have any movement in the longitudinal direction. The movement of the tufted portion of the toothbrush of Wiedemann et al. has a longitudinal component (8) and an axial component (9), as shown in FIGS. 1 and 2. The actual direction of movement is always in a direction away from longitudinal. This is because of the combined action of the crown wheel (11) and the eccentric (24)

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with arm (26). It is respectfully submitted that Wiedemann et al. teaches that the preferred movement of the tufted portion of the toothbrush is in non-longitudinal directions at a specific frequency and distance. At columnn 2, lines 42-50, it is taught that an overall angular excursion of 10° to 30° is advantageous.

Therefore, it is respectfully submitted that Wiedemann et al. does not disclose or suggest the presently claimed frequency and distance taking place in the longitudinal direction, as presently claimed.

The Office Action further alleges that a toothbrush may be made to move in only a longitudinal direction only, as a matter of preference, and refers to Chan.

Applicants respectfully submit that having knowledge of Chan would not make it obvious to modify the non-longitudinal directions of Wiedemann et al. to be solely longitudinal and have the disclosed frequency and distance, because Wiedemann et al. teaches that his non-longitudinal directions are necessary for good results in brushing teeth. Movement in solely the longitudinal direction would be completely contrary to the teachings of Wiedemann et al.

In the Final Office Action, Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wiedemann et al. in view of Chan and further in view of Blaustein et al. (U.S. Published Application 2003/0084525). Reconsideration and removal of this rejection are respectfully requested in view of the following remarks.

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Claim 7 depends from Claim 1, which is discussed above. In view of the above remarks,
removal of this rejection is respectfully requested.

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In view of the aforementioned remarks, Claims 1, 7 and 8, are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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JNB/ak

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